

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT NEW YORK

THU TRAN, Individually And  
On Behalf of All Others Similarly Situated,

Plaintiff,

vs.

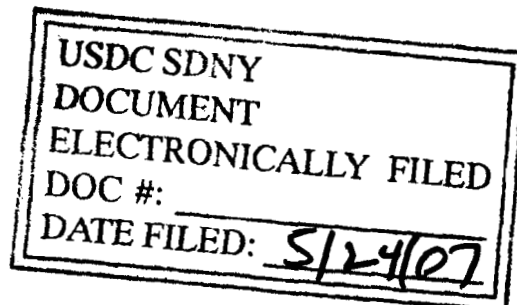
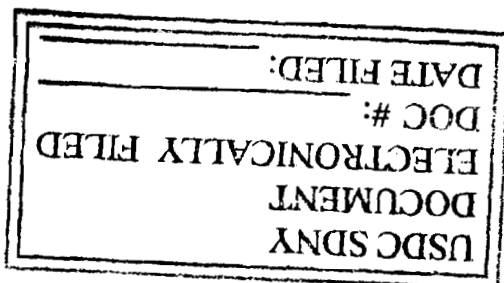
NETLIST, INC., CHUN K. HONG,  
CHRISTOPHER LOPES, NAM KI HONG,  
THOMAS F. LAGATTA, ALAN H.  
PORTNOY, DAVID M. RICKEY, PRESTON  
ROMM, RBC CAPITAL MARKETS  
CORPORATION AND JMP SECURITIES,  
LLC,

Defendants.

CIVIL ACTION NO. 07CV3754

STIPULATION AND  
~~PROPOSED~~ ORDER  
DISMISSING WITH  
PREJUDICE DEFENDANTS  
RBC CAPITAL MARKETS  
CORPORATION AND JMP  
SECURITIES, LLC

**MEMO ENDORSED**  
73



1. **WHEREAS**, Plaintiff filed the above-captioned action on May 11, 2007 in the Southern District of New York;


2. **WHEREAS**, the caption inadvertently listed two entities, RBC Capital Markets Corporation ("RBC") and JMP Securities, LLC ("JMP"), as defendants;

3. **WHEREAS**, RBC and JMP were not underwriters for Netlist, Inc. during the Class Period and are not mentioned in the body of the Complaint;


**IT IS STIPULATED AND AGREED BY THE UNDERSIGNED:**

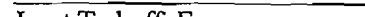
1. RBC and JMP are hereby dismissed with prejudice.

DATED: May 16, 2007

  
Kim E. Miller (KM-6996)  
**KAHN GAUTHIER SWICK, LLC**  
12 East 41<sup>st</sup> Street – 12<sup>th</sup> Floor  
New York, NY 10017  
Telephone: (212) 696-3730  
Facsimile: (504) 455-1498

**Counsel for Plaintiff Thu Tran**

  
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One Liberty Plaza  
165 Broadway  
New York, NY 10006-1404

  
Janet Tarkoff, Esq.  
**JMP SECURITIES, LLC**  
600 Montgomery St., Ste. 1100  
San Francisco, CA 94111

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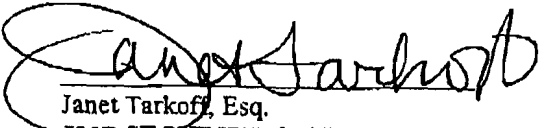
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600 Montgomery St., Ste. 1100  
San Francisco, CA 94111

SO ORDERED:

  
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RICHARD M. BERMAN U.S.D.J.

5/24/07

**IT IS SO ORDERED.**

May \_\_\_\_, 2007

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The Honorable Richard M. Berman  
United States District Judge

May 23, 2007

Honorable Richard M. Berman  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 650  
New York, NY 10007

RE: *Thu Tran v. Netlist, Inc., et al*, 07-cv-3754

Dear Judge Berman,

Enclosed please find a courtesy copy of a Stipulation and Proposed Order Dismissing with Prejudice Defendants RBC Capital Markets Corp. and JMP Securities, LLC, in the above-referenced matter. Pursuant to this Court's local rules, this Stipulation was emailed to the Orders and Judgments Clerk on Friday May 18, 2007, and was subsequently forwarded to your chambers for your signature.

Respectfully,



Lewis S. Kahn

/lsk  
Enclosure

